SIKKIM

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HIGH COURT OF SIKKIM
GANGTOK

No. 14/HCS **Dated : 17/06/2006**

NOTIFICATION

In exercise of the powers conferred under Section 34(1) read with Section 16(2) of the Advocates Act, 1961, the High Court of Sikkim makes the following rules for designation of Senior Advocates.

[1] **Short title and Commencement**.

(i) These rules may be called the Designation of Senior Advocates Rules, 2006.

(ii) These rules shall extend throughout the Jurisdiction of the High Court of Sikkim.

(iii) They shall come into force on the date of their publication in the Official Gazette.

[2] **Definitions**.- In these Rules, unless the context otherwise requires,

(a) "High Court" means as defined in Section 2(g) of the Advocates Act, 1961;

(b) "Roll" means the roll of Advocates prepared and maintained under the Advocates Act, 1961;

(c) "Advocate" means an Advocate entered in the "Roll";

(d) "Standing at the Bar" means the position of eminence attained by an Advocate at the Bar by virtue of his integrity, seniority, legal acumen and high ethical standards maintained by him both inside and outside the Court.

[3] **Who may be designated as Senior Advocate**.-

(a) Only such Advocates shall be designated as Senior Advocate, who by virtue of their ability, integrity, standing at the Bar, experience, or special knowledge of law are deserving of conferring of such distinction.

(b) Who has attained the age of 40 years

(c) Who has put in practice of more than 10 years at the Bar, or has completed more than 10 years of combined period both in practice, and as a Member of Subordinate Judiciary/Tribunal having specialised knowledge of law.

(d) Any former Judge of a High Court, if he/she intends to practice in this Court, and intimates of his/her desire to the Chief Justice in writing.

[4] Mode to Apply. -

An Advocate shall apply in Form 'A' appended to these rules.

[5] Along with Form 'A' he shall also append his declaration to the effect that he had not applied to any other High Court or this Court for being designated as Senior Advocate which has been rejected within a period of two years prior to his instant application.

[6] When an application for designation as Senior Advocate has already been rejected by the Court, his further application shall not be considered for a period of two years from the date of such rejection.

[7] Mode of Recommendation.-

Proposal for designation of an Advocate as a Senior Advocate may be considered on the recommendation of a Judge/Chief Justice of any other High Court or by any Judge or Chief Justice of the Sikkim High Court to be made along with the consent and duly filled up application of the Advocate concerned in Form 'A'.

[8] Procedure of Designation.-

Designation shall be made by the Full Court of the High Court after scrutinization by the Office of the application(s) or recommendation(s) for designation as a Senior Advocate after approval of the Chief Justice.

[9] Procedure after designation as Senior Advocate by the Full Court.-

(i) The name of the concerned Advocate shall be entered in the Register of the Senior Advocates to be maintained by the Office.

(ii) The Registrar General shall notify such designation(s) to the Bar Association of the Sikkim High Court, all the District and Sessions Judges subordinate to the High Court, the Bar Council of India, the Registrar General of the Supreme Court of India and the Registrar Generals of all other High Courts and inform the designated Senior Advocate.

[10] Withdrawal of the conferment of Senior Advocate.-

The designation of Senior Advocate may be withdrawn by the High Court, if

(i) in the event it is reported by the Supreme Court or any other High Court or by any Judge of the High Court of Sikkim; or

(ii) by any authority or any person

Supporting prima facie that by virtue of his conduct and behaviour, either inside or outside the Court, he has forfeited his privilege, after due notice to the Senior Advocate concerned.

The Registrar General shall notify the decision of withdrawal, as provided in Rule 9 (ii) of these Rules.

Form 'A'

[Form for designating as Senior Advocate of the High Court under Section 34(1) read with Section 16(2) of the Advocates Act, 1961 read with Rule 4 of the Rules]

1. Name & Parentage:-
2. Date of Birth:-
3. Educational Qualifications:-
4. Permanent Address:-
5. Address to which communications, if any, may be sent:-
6. The place of Practice:-
7. Number in the Roll of advocates maintained by the State Bar Council and the date of his Enrolment:-
8. Whether an Indian Citizen?
9. Number of years of practice and name of the Court(s) where you practice/practiced: -
10. (i) If you were member of any subordinate Judiciary/ Tribunal, the name of the Judicial Service/Tribunal and the number of years served.

    (ii) Whether you have completed more than 10 years both as an Advocate and a member of subordinate Judiciary/Tribunal?
11. Are you a member of any Advocate Association/Bar Association?

    If so, give details.
12. Have you specialized in any field of Law?

    If so, give details.
13. Have you been a Chamber Junior of any Senior Advocate/Advocate?

    If so, name of the Senior Advocate/Advocate and the period worked as such.

    Also attach Certificate of Senior Advocate/ Advocate.
14. Name and number of junior advocate(s) if any, attached by you in your Chamber?

    Furnish his/their name(s) and the period of his/their attachment.
15. (i) Are you an assessee under the Income Tax Act in respect of your legal professional income?

    If so, since when?

    (ii) Disclose your Income, Gross and Net, of last 3 years?

16. Whether you were/are an Advocate of any State Government or Government of India or any Authority which comes within the meaning of "State" as defined under Article 12 of the Constitution or any Nationalised Bank(s) or on the Panel of any State Legal Aid Board?
Give details.

17. Have you ever been prosecuted/convicted/sentenced for committal of any Penal or Revenue Law or Contempt of Court?
Give details.

18. Whether any case/proceeding is pending which has been instituted by you or against you?
Give details.

19. Particulars of those cases in which you have appeared, which according to you may be considered important.
Attach separate sheet(s).

20. Whether you have contributed any article concerning law in any Newspaper/Journal/Magazine?
If so, give details.

21. Have you attended or participated in any Seminar/ Conference relating to law?
Give details.

22. Whether you are/were connected with any faculty of law?
If so, give details.

23. Whether you had applied earlier in any High Court for designation as Senior Advocate or your name recommended for this purpose?
Give particulars.

24. Are you ordinarily practicing in the High Court of Sikkim or in Courts within its Jurisdiction?

25. Any other information, which you may consider relevant.

Signature

Date

Place

Registrar General

17/06/2006